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FEB 13 1989

CERTIFIED MAIL--P 545 546 724  
RETURN RECEIPT REQUESTED

H. Gilbert Weil  
Facility Coordinator  
Union Carbide Corporation  
P.O. Box 670  
Bound Brook, New Jersey 08805

Re: Scientific Chemical Processing ("SCP") Site - Carlstadt, N.J.  
ARAR Note No. 1: Use of EPA Designated ARARs in Feasibility  
Study, Administrative Order Index No. II CERCLA-50114 ("the  
Order")

Dear Mr. Weil:

As you are aware, the draft Remedial Investigation ("draft RI") for the above-referenced Site which was prepared by Dames & Moore was submitted to EPA - Region II by the Respondents to the Order in April 1988. In July 1988, EPA provided comments to the Respondents on the draft RI. EPA expected that the draft RI would be modified as required by the EPA comments (or as otherwise agreed to by EPA) and that it would then be resubmitted to EPA. (See paragraph 26E of the Order).

During July 1988, EPA - Region II prepared a summary of applicable and relevant and appropriate requirements (ARARs) for use by the Respondents (and their contractors) in preparing the Feasibility Study ("FS") for the Site. This summary was transmitted by letter dated July 27, 1988 to counsel for the Steering Committee in a document entitled "SCP Site - Identification of ARARs for Development of Remedial Alternatives".

In September 1988, a revised RI report was submitted to EPA which included a critique of the ARARs which had been transmitted to the Respondents in July. This critique was not solicited by EPA, was not "required by" the EPA comments on the draft RI nor was it "agreed upon by EPA". Furthermore, it expressed views which were obviously in conflict with the position of EPA on ARARs.

The FS which is presently underway addresses the first operable unit for the SCP Site. Although the first operable unit alone may not have to achieve all of the ARARs which have been designated for the Site by EPA (See Section 121(d)(4) of CERCLA), the final remedial action for the Site should achieve a level of standard and control which ~~attains~~ <sup>conformance</sup> such ARARs as are

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Therefore, we wish to clarify a few general points concerning ARARs so that there will be no misunderstanding with regard to the performance of the FS and the submission of an acceptable draft FS to EPA as agreed upon by the Respondents. These points are as follows:

1. It is EPA's responsibility to determine what standards are applicable or relevant and appropriate at the SCP Site (See proposed NCP, 53 Fed. Reg. 51441, December 21, 1988);

2. Both EPA and the State of New Jersey have classified all groundwater underlying the SCP Site as at least a potential potable water supply (the State has gone further by designating the bedrock aquifer under the Site as an actual potable supply since it is being used for that purpose at present); and

3. The maximum contaminant levels (MCLs) identified in the Safe Drinking Water Act (SDWA) and the MCLs identified by the State of New Jersey for Class GW3 and Class GW2 groundwaters are ARARs, i.e., are cleanup requirements, for groundwater under the SCP Site; these are, therefore, target levels which the final remedial action(s) should achieve for groundwater under the SCP Site;

Although counsel for Respondents may not agree with this view, we are informing you by this letter that EPA expects to receive a draft FS report on April 1, 1989 which is consistent with the EPA views stated herein and which is also consistent with all other ARARs and "to be considered" items and all other interpretations of CERCLA and related regulations which EPA provides to you on any matters relating to the Order.

We trust that you will complete the FS studies in accord with the EPA position stated herein.

Sincerely yours,

Raymond Basso, Chief  
New Jersey Compliance Branch

cc: Thomas Armstrong (General Electric Co.)  
William Warren (Cohen, Shapiro, et al)  
Pamela Lange (NJDEP)  
bcc: J. Feldstein, ERRD:NJCB  
J. Schmidtberger, ERRD:NJCB  
R. Schwarz, ERRD:NJRAB

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